

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

BRANDON JONES

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CRIMINAL NO. 6:10-CR-51-2

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On July 9, 2013, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Brandon Jones. The government was represented by Bill Baldwin, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Possession With Intent to Distribute Methamphetamine, a Class C felony. The offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 15 and a criminal history category of II, was 21 to 27 months. Judge Leonard Davis sentenced Defendant to time served followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include frequent and random drug testing, financial disclosure, substance abuse treatment and testing, and a \$100 special assessment. On April 11, 2011, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was prohibited from violating federal, state, or local law. In its petition, the government alleges that Defendant violated his terms of supervised release when he was convicted of Public Intoxication in Gregg County, Texas on May 11, 2012.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of his supervised release by his conviction of Public Intoxication in Gregg County, Texas on May 11, 2012, Defendant will have committed a Grade C violation. U.S.S.G § 7B1.1(a). Upon a finding of a Grade C violation, the Court may: (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade C violation is 4 to 10 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's petition. In exchange, the government agreed to recommend that Defendant serve 12 months with no supervised release to follow.¹

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Brandon Jones be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Fort Worth, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 10th day of July, 2013.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE

¹ The parties agreed to this sentence in light of the government's agreement to abandon the remaining allegations in the petition.